

RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 1423G

1 WHEREAS, D & M Development, L.L.C. has submitted an application
2 designated as Special Permit No. 1423G for authority to amend HiMark Estates
3 Community Unit Plan to add 20 single family dwelling units in the southern portion of
4 Outlot A, HiMark Estates 3rd Addition, for a total of 559 dwelling units, and to waive the
5 requirements for a minimum cul-de-sac radius, sidewalks on the south side of Sandhills
6 Court, and the preliminary plat process on property generally located at South 90th
7 Street and Medinah Drive and legally described to wit:

8 All of the Lots, Blocks, and Outlots in HiMark Estates
9 Addition, HiMark Estates 1st Addition, HiMark Estates 2nd
10 Addition, HiMark Estates 3rd Addition, HiMark Estates 4th
11 Addition, HiMark Estates 5th Addition Corrected, HiMark
12 Estates 6th Addition, HiMark Estates 7th Addition, and Iron
13 Gates Estates, all located in Section 11, Township 9 North,
14 Range 7 East of the 6th P.M., Lincoln, Lancaster County,
15 Nebraska;

16 WHEREAS, the real property adjacent to the area included within the site
17 plan for this amendment to the community unit plan will not be adversely affected; and

18 WHEREAS, said site plan together with the terms and conditions
19 hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln
20 Municipal Code to promote the public health, safety, and general welfare.

21 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
22 Lincoln, Nebraska:

1 That the application of D & M Development, L.L.C., hereinafter referred to
2 as "Permittee", to amend HiMark Estates Community Unit Plan to add 20 single family
3 dwelling units for a total of 559 dwelling units, on the property legally described above,
4 be and the same is hereby granted under the provisions of Section 27.63.320 and
5 Chapter 27.65 of the Lincoln Municipal Code upon condition that construction and
6 operation of said community unit plan be in strict compliance with said application, the
7 site plan, and the following additional express terms, conditions, and requirements:

8 1. This permit approves the addition of 20 single family dwelling units
9 in the southern portion of Outlot A, HiMark Estates 3rd Addition, thereby increasing the
10 total number of dwelling units within the community unit plan to 559 dwelling units.

11 2. This permit approves the following waivers:

12 a. The requirement of the Private Roadway Design Standards
13 regarding the minimum cul-de-sac radius is waived to allow
14 a radius of 35' for Sandhills Court.

15 b. The requirement of Lincoln Municipal Code § 26.27.020 that
16 sidewalks be constructed along the south side of Sandhills
17 Court is waived.

18 c. The requirement of Lincoln Municipal Code § 26.11.020 that
19 a preliminary plat be submitted is waived for the area of this
20 application. This approved amendment to the community
21 unit plan shall serve the purpose of a preliminary plat for the
22 area of this amendment (i.e. the southern portion of Outlot
23 A, HiMark Estates 3rd Addition). Final plats in this area may
24 be approved based upon this amendment.

1 3. The waiver of the filing of a preliminary plat and the approval of this
2 amendment to the community unit plan in lieu of a preliminary plat shall only be
3 effective for a period of ten (10) years from the date of approval, and shall be of no
4 force or effect thereafter. If any final plat on all or a portion of the area included within
5 this amendment is submitted five (5) years or more after the date of approval, the City
6 may require that a new community unit plan amendment for this area be submitted,
7 pursuant to all the provisions of Section 26.31.015. A new community unit plan
8 amendment for this area may be required if the subdivision ordinance, the design
9 standards, or the required improvements have been amended by the City and as a
10 result, this amendment to the community unit plan as originally approved does not
11 comply with the amended rules and regulations.

12 4. Before receiving building permits:

- 13 a. Permittee must submit one original and five copies of the
14 plans as approved.
- 15 b. Final plats within the area of this community unit plan must
16 be approved by the City.
- 17 c. The construction plans must conform to the approved plans.

18 5. Before occupying the dwelling units all development and
19 construction must be completed in conformance with the approved plans.

20 6. The site plan approved by this permit shall be the basis for all
21 interpretations of setbacks, yards, locations of buildings, location of parking and
22 circulation elements, and similar matters.

23 7. The terms, conditions, and requirements of this resolution shall be
24 binding and obligatory upon the Permittee, its successors, and assigns. The building

1 official shall report violations to the City Council which may revoke the special permit or
2 take such other action as may be necessary to gain compliance.

3 8. The Permittee shall sign and return the City's letter of acceptance
4 to the City Clerk within 30 days following approval of the special permit, provided,
5 however, said 30-day period may be extended up to six months by administrative
6 amendment. The City Clerk shall file a copy of the resolution approving the special
7 permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be
8 paid in advance by the Permittee.

9 9. The site plan approved with this resolution voids and supersedes
10 all previously approved site plans, however all resolutions approving previous permits
11 remain in force unless specifically amended by this resolution.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2003:

Mayor